

ENVIRONMENTAL COALITION ON NUCLEAR POWER

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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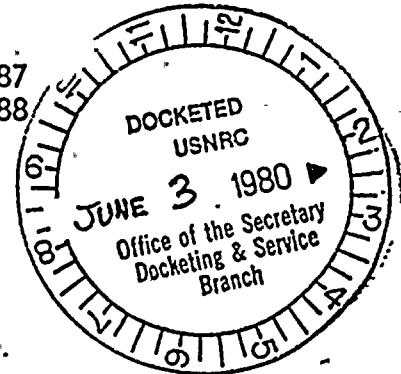
Before the Atomic Safety and Licensing Appeal Board

In the Matter of

PENNSYLVANIA POWER & LIGHT COMPANY and
ALLEGHENY ELECTRIC COOPERATIVE, INC.

(Susquehanna Steam Electric Station,
Units 1 and 2)

Docket Nos. 50-387
50-388



RESPONSE OF ENCP TO ALAB-593

In ALAB-593, the Appeal Board directed ECNP to inform the Appeal Board concisely within 10 days

- (1) the extent to which the allegations contained in its March 15th request have been affected by the more recent Licensing Board rulings..., and
- (2) whether (and if so, to what extent) it continues to seek the nine categories of relief it requested in those papers.*

The answer of ECNP to question (1) is as follows: There has been no substantial changes made by the Licensing Board rulings cited in ALAB-593. We have still been forced to squander literally hundreds of person-hours in vain attempts to protect ourselves from the onslaught of the Staff and Applicant. We are still denied access to documents and transcripts by the Staff, and still have not had time yet to prepare our own interrogatories for either the Staff or Applicant.

*The questions asked of the Commissioners by ECNP, including the final set of re-phrased questions at p.14 and the relief requested at p. 15, were not intended as the kind of interlocutory appeal routinely refused by the NRC. These questions transcend the narrow confines of this particular proceeding. They go to the adequacy of NRC licensing to fulfill the requirements of the law.

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We will still be required to answer more interrogatories on environmental issues and additional rounds on the safety issues that lie ahead.

Question (2) is answered as follows: Request 1 has been made moot by the passage of time. ECNP continues to seek relief in the remaining eight requests, plus the four on page 14 of the ECNP Request of March 15, 1980, to the extent that these latter questions are not answered by Questions 2 through 9. ECNP also continues to request the relief sought at p. 15 of its Request, namely that ECNP and other intervenors affected by made whole by the grant of six months additional time for unimpeded preparation.

If an intervenor responds that he has no information or only limited information, he is threatened with curtailment of his contention, or with a motion, from Staff and/or Applicant, that the contention be dismissed on the grounds that the intervenor has no information on which to litigate the issue. Yet there is no time available for the research because of the continuing procedural harrassment. The cycle is vicious and ongoing.

We would also request that this Appeal Board consider the ECNP Request of March 15, 1980, and the information contained therein in its entirety. In addition, we wish to call to the attention of this Appeal Board that the situation faced by ECNP in the Susquehanna 1 and 2 proceeding does not stand in isolation. Comparable procedural harrassment is being practiced in other proceedings to which ECNP is a full party. Attached to these answers is a paper filed by ECNP in the TMI-1 Restart proceeding (Docket No. 50-289). (As explained at a subsequent Pre-hearing conference, the last line of this April 3, 1980, filing was inadvertently left off in typing -- it requested a protective order under 10CFR2.740(C)). Here, to a much greater extent even than in Susquehanna, ECNP has been denied discovery by the Suspended Licensee, and has been singled out (among all of the intervenors) by the NRC Staff to be denied every single scrap of paper, all documents, requested of the Staff relating to the accident at TMI-2. This preferential denial came without notification even though the NRC Staff had made repeated commitments to honor ECNP's discovery requests.

ECNP views the actions of the Applicant in Susquehanna, the Suspended Licensee in the TMI cases, the NRC Staff in both proceedings, and both licensing boards as not only a denial of due process and equal protection, but also, complete denial of part 2.743(c) of this Commission's Rules of Practice. It is inconceivable that there would ever be a "full and true disclosure of the facts" in either of these proceedings the way they stand now.

Lastly, ECNP notes that it would have no objection to supplying the requested information by deposition if it is truly needed for purposes other than harrasment.

Respectfully submitted,

May 30, 1980


Chauncey Keyford
Legal Representative of ECNP